

2.75
A LETTER

ECONOMICS
SEMINAR

TO

JAMES S. HULME, ESQ.,

Dr. James S. Hulme Esq.

LATE COMMISSIONER FOR INVESTIGATING
THE AFFAIRS OF THE JOINT COMPANIES.

Carey, Henry C.

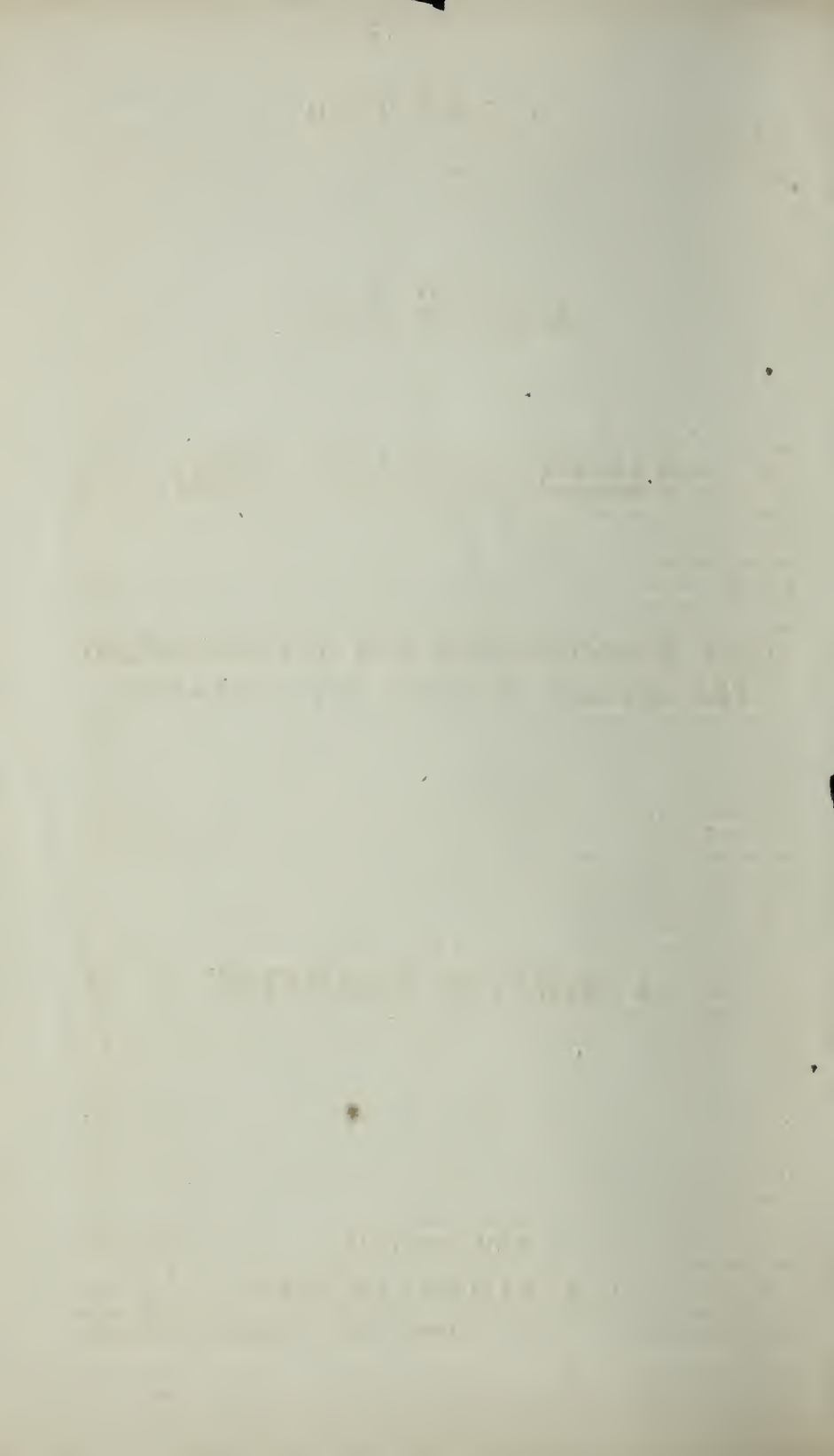
BY

A CITIZEN OF BURLINGTON.

61
PHILADELPHIA:

L. R. BAILEY, PRINTER.

1851.



386
C1882

LETTER.

SIR :

Having recently learned that, notwithstanding the facts already published on the subject, you continue to assure those who were once your friends, that I had never desired to see the books and papers of the Joint Companies, and that by refusing to produce them you had satisfied both the managers and myself—and having also had reason to believe that similar statements have been and are being made by your associates, Messrs. Robertson and Wurtz—I am induced to make the following record of the proceedings of yourself and them, in regard to the several demands for the production of those books and papers, and to address it directly to yourself, in order that if any where I err in my statements you may at once correct me.

The commissioners met late in March, 1849. Prior to their meeting, I addressed a letter to them, through you, stating my readiness to aid them in their investigation, by all the means in my power. Shortly after their first meeting, I visited them at Bordentown, and was there assured that their powers were full and complete, and would enable them to examine into the affairs of all the minor companies, as well as to take all the measures necessary to arrive at a full and complete understanding of the proceedings of the managers. In my presence, Mr. Bradley, the managers' agent, was told that the books and papers were in the hands of the commissioners, *to be exhibited to whom they pleased.*

My first request for the production of the books was made in a note to yourself, of the date of April 4, from which the following is an extract :

"As you are now about to enter on an examination of the canal business, I intend to pay you a visit before the end of the week, say on Saturday, which will perhaps be as early as you will be prepared for me. I think that in a couple of hours' conversation with the papers before you, I could enable you to understand the whole canal business thoroughly, and thus save you a great deal of labor, for without proper explanation it must be an almost inexplicable mass of words and figures. If, therefore, you could have the collectors' books for 1846, '7 and '8, and also the contracts with the transportation lines, and the settlements with them for the same years, and then give me a morning for examining them with you, and talking them over with you, I should be very glad. It would suffice, I think, to satisfy you that the charges against the management can be fully proved. I particularly wish to see the books for '46."

I particularly request you, sir, to remark that this letter was addressed to yourself, and that it must therefore have been in your possession at the very moment when you asserted that I had never desired to see the books and papers.

At the appointed time I went to Bordentown, but was told that the books called for were not there—that the commissioners desired *for the present* to prosecute the examination themselves—that they wished to afford the managers no excuse for

41393

19 F 19 Robinson

Book-shops 275

Commerce 29 1317 Franklin

refusing the production of papers, &c., &c., and finally I was induced to leave with them the documents I had taken with me to aid in the examination of the books which had been called for. Here was the first *evasion* by the commissioners of my request for the production of the books and papers.

In May, I wrote to say that I contemplated leaving home, and was desirous to finish the business so far as I had any concern in it—that I wished to know that the commissioners were satisfied of the perfect truth of the charges, and that if they were not already so, it was my desire that I should at once be afforded the opportunity to supply the proof, by the books and papers.* To this second demand for production, *you yourself* brought me the verbal answer of the commissioners, to the effect that it was not then convenient to do what I desired, but that if I should finally conclude to leave home, and would advise them of the fact, they would take measures for complying with my request. Here was your and their second *evasion* of compliance with a demand for the production of the books and papers.

In June you adjourned, and did not meet again until late in September. Early in October I received a request by your secretary that I would come to you at Bordentown, and he came fully believing that the books and papers were at once to be exhibited to me. It was, at the moment, inconvenient to go, yet on learning the probability that the books were to be exhibited, I determined to postpone another engagement that I might accompany the secretary, *who had assured me that the books bore me out in all that I had said of them*. On my arrival I soon discovered that he was not in the secrets of the commissioners, and that so far from intending to exhibit the books, they had sent for me for the purpose of affording Mr. Bradley, *in whose possession the books were not*, an opportunity to deny the right of producing the said books, by themselves, *in whose possession they were*. The books demanded were refused, and the burthen of refusal shifted to the managers, and here is found *the third refusal* to produce them.

In the evening of the same day, I had a private conversation with yourself and the other commissioners, in which I stated my having recently ascertained that not only were the boats not returned, but that where they were returned, the manifests were uniformly fraudulent—that they rarely represented more than a third of the cargo—and that if certain books, which I then designated, were produced, I would enable the commissioners to satisfy themselves, and that conclusively, that the frauds upon the revenue were greater than I had ever imagined. The suggestion, however, met no approbation, and for the simple reason, as I suppose, that the proof offered was of such a character as effectually precluded the idea that past errors were not fraudulent but “only defective.” Here was *the fourth refusal* to produce the books and papers. Recollect, I pray you, that you were party to each and every one of these refusals, and then recollect that you have been in the habit of asserting that I never desired to see the books and papers of the companies, and that you had satisfied both parties by refusing to produce them.

On the 10th of October, I made a written demand for the production of certain books and papers, to be examined under the inspection of yourself and your associates, pledging myself to establish by them the truth of the charges against the managers. On the 25th of that month, I received a refusal to produce them, signed by Judge Robertson. *Here was refusal No. five.*

On the 29th, I demanded to know the reason of the managers for permitting them to be refused. By a letter dated November 1, compliance with my demand was denied.

On the following day, November 2, I reiterated my claim to have the books and

* Having mislaid the copy of this letter, I quote it from memory.

papers produced, and also reiterated the declaration of my ability to prove by them the fraudulent character of the transactions of the managers with the state and the stockholders, but to this demand no reply was furnished. *Here was refusal No. six.*

Had I entertained the slightest doubt of my ability to prove the truth of the charges I had made, and had I therefore not really desired to see the books, my purpose would now have been completely answered. The production of the books had been repeatedly demanded, and as repeatedly refused, and I of course was in no way responsible for the result at which the commissioners might arrive. I might therefore well stand where I had been placed by the combined action of the managers and commissioners. So different, however, *as you well know*, were my feelings on the subject, that on the 13th November, I addressed you *a private letter*, remonstrating against the course of yourself and your colleagues in denying me the right to see the books by aid of which the charges were to be, and could be, established. You were, as I told you, trying me behind my back, having shut me out of court and denied me the right of seeing books, papers or witnesses, and I desired to know if you would consider it justice if such a course were to be pursued towards yourself. That no doubt may exist as to the precise character of this letter, a copy of it is here given.

“DEAR SIR :

“I have been wishing to see you, but as we may not soon meet, I will put on paper what I had to say.

“The managers are anxious to have a certificate that they have been very careless—that they have made many blunders—and they would not object to your finding them indebted to the state, and largely so, provided only that you did not certify that it was done with fraudulent intent. From the remark you made to me the other day, I was led to believe that the commissioners did not propose to say that the errors were intentional, and the confident assurances now given by the managers to their friends seem to confirm that view. Nevertheless, the commissioners have a letter from me in which I say that if they will show me the books, I will show them that the same thing has been done from year to year, and is done, as I believe, to the present hour. Would it be right under such circumstances to make such a report?

“I asked the commissioners in May last, to look at the Canal books of '46 and '47, and to send for me if they were not satisfied. I told them that I was prepared to show them all that was needed to me to prove, and that I wished the thing off my mind. You assured me, from them, that they would do what I desired, yet it has never been done. To this moment I am in perfect ignorance of everything, and likely so to remain until, in common with all the world, I shall read your report; and yet for six months I have been ready in one hour to prove all I have said. Is this right? Would you think it so were our position changed? I think not.

“I am, in effect, being tried in my absence. Offer you what evidence I might, it would be met by apologies and excuses, the falsehood of which I could show in five minutes, but which it might not be in your power to see. I know the strength of the case in my own hands, for I know that they cannot deceive me, and that they know as well as I. They could not offer me an excuse of any kind, the falsehood of which I could not expose—but I know that there is no man but myself that could do so, and yet I am shut out of court as completely as if I were not in any way interested in the result. I confess to you that this is not the justice that I expected when the commission was named. I expected a fair stand-up fight with the managers, and was prepared for it. As it is, I stand to be shot at, with no chance of returning a shot of any kind. If the commissioners

are not prepared to certify that I am right, they should afford me the opportunity to show them that I am so.

"I would be glad to have some conversation with you when you pass through here on Monday or Tuesday, and if you will let me know when you will be here, will arrange to be at home.

"Yours very respectfully,

"HENRY C. CAREY.

"*Burlington, November 13, 1849.*"

To this letter I received the following reply, to which I would desire to call the attention of every Jerseyman, as to a masterpiece of evasion :

"*Burlington, November 21.*

"RESPECTED FRIEND :

"I received your letter dated a few days back, but not having been to Bordentown since I last saw you, having been otherwise engaged for the last two weeks, I have called to see you to-day on my way to Bordentown, but not finding you at home, leave this note. With regard to the matter alluded to in your letter, I have had so much to agitate my mind since receiving it, that I have not given it any consideration, but will look it carefully over after I get to Bordentown.

"Very respectfully, J. S. H."

That your mind *was* much agitated about that time, I do not doubt. You were about to make a great experiment on the credulity of the people, and at the moment of preparation I had appealed to your sense of justice, but your agitation was such that after more than a week had elapsed, you had given the appeal no "consideration." You would "look it over" at Bordentown, and there you must certainly have looked it over very carefully, *for within twenty days of the date of that letter*, and with it, most probably, in your pocket, you asserted to one of the most respectable men in the county that I had never desired to see the books, and that in refusing to produce them you had satisfied both parties. If you desire evidence that you did make this statement, and under these circumstances, it can be produced.

It would appear scarcely necessary to add anything further, and yet you would hardly occupy your true place in the public estimation were I to stop here, for there is yet much to add.

Having properly prepared the public mind for the reception of your extraordinary Report, it was at length permitted to come before the world in the month of February, 1850, when the Legislature had nearly completed its business, and when, of course, examination of the character of your statements had become entirely impossible. Some days after its appearance, the *Trentonian*, the managers' organ, stated that "the commissioners had soon discovered that I did not desire a fair investigation"—that an examination of the books and papers had been tendered to me—that I had demanded that they should be given into my possession, and finally, that I had fled from the sight of them. You, sir, were thus quoted as having witnessed these facts, and you were at that moment in Trenton, near the office of the *Trentonian*, and it is possible even that you may have authorized the use of your name on this occasion. Whether you did so or not, it is perfectly certain that neither you, nor Messrs. Robertson or Wurtz, ever contradicted it, having apparently been willing that it should pass throughout the state for truth, *and on your authority*. You were willing that the grossest falsehoods should pass current in relation to me, and to stand godfather to them, and up to this hour nine-tenths of the readers of the *Trentonian* believe that that article was authorized by you and your colleagues, and contains a true statement of facts, and yet at the moment of its publication you probably had in your pocket my letter remon-

strating with yourself in relation to shutting me out from the sight of books, papers, witnesses, evidence, everything in short, while placing the managers' agent, Mr. Bradley, on the bench with yourselves, to see everything, know everything, assert everything, and deny everything, as might suit the purpose of your friends the managers.

Allow me now to ask, Was this the conduct of a man of truth or honor? Would any man possessing a single spark of either, suffer a gross falsehood to be publicly circulated, on his authority, without as publicly contradicting it, or, if he did so, would he not thus make himself responsible for it? Have you not then made yourself responsible for the enormous falsehoods of the *Trentonian*, and are not your associates in the commission equally responsible for them? I pray you to consult any man of honor in the state, telling him that you quietly permitted your names to be used to give sanction to a series of infamous falsehoods, and take his opinion whether you are or are not to be held as fully responsible for them as if you had written them yourselves. Inform him, too, that for months before its appearance you had been in the habit of assuring your friends that I had never desired to see the books, and that in refusing to produce them you had satisfied both parties, and take his further opinion on the subject. Add to it, that you yourself told me in excuse for not producing them, that *your* colleagues doubted their powers, while Judge Robertson assured his friends that it was *his* colleagues that doubted their powers—and then let him decide whether or not your conduct has been that of a man of truth and honor, and whether the statements in your Report are entitled to any, even the slightest consideration.

I am perfectly aware that you have assured your former friends that no corruption had been used towards yourself or your fellow commissioners, to induce you to whitewash the managers, but am also aware that you have given to those same persons equally positive assurances that I never desired to see the books, and that you gave these assurances while you had in your pocket my letter of remonstrance at the injustice that you were doing me in not producing them—and I confess to you that I see no reason for believing one statement more than the other. You changed your opinions greatly as to both your powers and your duties, between April and October, and as no *public* reason is recorded by your secretary, we must suppose the change to have been the result of a *private understanding with the managers*. Had no such understanding existed, how could you, with the following great fact staring you in the face, have whitewashed them?

It had been clearly shown that between 1838 and 1846, while the tonnage of the boats trading on the canal, and carrying superior merchandise, had *trebled* in amount, *the business accounted for to the state had fallen off nearly one-half*, and that no question should remain in regard to this important fact, the names of the vessels and the number of trips made by them, were given. Captain Stockton, president of the company, and Mr. Neilson, treasurer, were both concerned in the Napoleon Company, and in that capacity were accustomed to receive the earnings of the boats, and had of course good reason to know how many boats passed and how much freight was carried; and if any doubt existed, they could have verified the truth of my statements in a single hour, for your secretary assured me that *the books had borne me out in all I said of them*. Instead of doing this, Messrs. Stockton and Neilson employed Mr. Bradley, and *paid him liberally*, for drawing up a certificate that the boats carried manifests, that the books were beautifully kept, and that there was no truth in what I had said, and then induced their friends, Messrs. King, Pennington and Parker, to sign it. You came soon after to examine the same books from which Messrs. Stockton, Neilson, and Bradley had concocted that certificate, and you found that *it*



was false in every part—that numerous boats carried no manifests, and that in a single year there had passed under the eyes of Messrs. Stockton and Neilson almost two boats per day for every working day in the year, that had been “dropped out” of the returns *sworn to by the treasurer*, and certified upon honor by Captain Stockton, the person really responsible for the correct management of the concerns of the company. It was therefore clear that Captain Stockton and Mr. Neilson had knowingly and wilfully come into court with a false statement of facts meant to cover frauds, and that they had thereby acknowledged their previous acquaintance with these enormous frauds upon the state and stockholders, and yet with this great fact before you, you certified that the returns were “not fraudulent” but only “defective!” After this, need we wonder, sir, that you should have been desirous that the world should be taught to believe that I had fled from the sight of the books and papers? Assuredly not. Neither should we be surprised that your Report is held to be of no more authority than is that signed by Messrs. King, Pennington and Parker, although given as the result of almost a year’s labor, at the cost of many thousand dollars to the state.

If, in what I have said, now say, or may in future say, I do you any injustice, you will find me at all times ready to meet you, with the books and papers that were for eleven months in your possession, before honest, intelligent and independent men, there to prove the truth of what I say, or pay the forfeit in case I fail—or if you and your colleagues prefer a court of justice, I have only to say that I am ready for any course that will insure the production of the books and papers, and will meet you and them when and how you please.

I am, sir, with due respect,

Yours,

HENRY C. CAREY.

Burlington, June 24, 1851.

P. S.—Since writing the above I have learned that Mr. Bradley, the largely paid author of the remarkable mass of falsehoods commonly known as the Report of Messrs. King, Pennington and Parker, and the assistant to yourself and your brother Commissioners in the selection of the materials that might most *safely* be used in the Report to the Legislature, has been rewarded for his services by a seat at the Board of Management of the joint companies. Such being the case, may we not hope speedily to see the signers of *Mr. Bradley’s second Report*—to wit, yourself and Messrs. Robertson and Wurtz, similarly rewarded? The laborer is worthy of his hire, and you have certainly earned this, *and much more*, at the hands of Messrs. Stockton, Stevens and Neilson. Republics are said to be deficient in gratitude, but I trust you may find it otherwise in regard to the Railroad Kings of New Jersey.